



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

HOUSE BILL NO. 148

FRIDAY, JANUARY 20, 2012

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE March 28, 2012
2:40 pm

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kim Perry

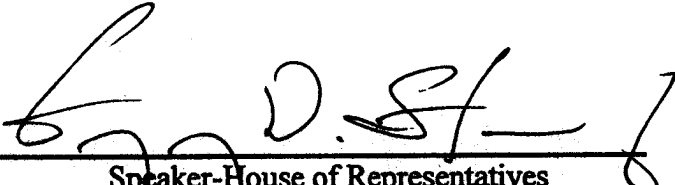
1 AN ACT relating to gas pipeline safety.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

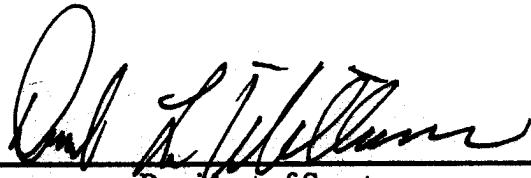
3 ➔Section 1. KRS 278.992 is amended to read as follows:

- 4 (1) Any person who violates any minimum safety standard adopted by the United States
5 Department of Transportation pursuant to the federal pipeline safety laws, 49 U.S.C.
6 secs. 60101 et seq., or any amendments thereto, or any regulation adopted and filed
7 pursuant to KRS Chapter 13A by the Public Service Commission governing the
8 safety of pipeline facilities or the transportation of gas as those terms are defined in
9 the Natural Gas Pipeline Safety Act, shall be subject to a civil penalty to be assessed
10 by the Public Service Commission not to exceed the maximum civil penalty as
11 contained in 49 C.F.R. sec. 190.223, as of December 31, 2011, for a violation of
12 any provision of 49 U.S.C. sec. 60101 et seq., or any regulation or order issued
13 thereunder, ~~[twenty-five thousand dollars (\$25,000)]~~ for each violation for each day
14 that the violation persists. ~~[However, the maximum civil penalty shall not exceed~~
15 ~~five hundred thousand dollars (\$500,000) for any related series of violations.]~~ Any
16 civil penalty assessed for ~~[such]~~ a violation may be compromised by the
17 commission. In determining the amount of the penalty, or the amount agreed upon
18 in compromise, the appropriateness of the penalty to the size of the business of the
19 person charged, the gravity of the violation, and the good faith of the person
20 charged in attempting to achieve compliance, after notification of the violation,
21 shall be considered. The amount of the penalty, when finally determined, or the
22 amount agreed upon in compromise, may be deducted from any sums owing by the
23 Commonwealth of Kentucky to the person charged or may be recovered in a civil
24 ~~action in the Franklin Circuit Court.~~
- 25 (2) Any person who willfully and knowingly defaces, damages, removes, or destroys
26 any pipeline sign or right-of-way marker required by the Natural Gas Pipeline
27 Safety Act or any regulation or order issued pursuant to it shall, upon conviction, be

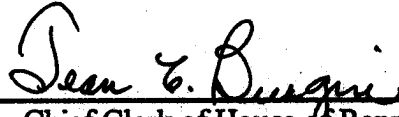
- 1 subject for each offense to a fine of not more than five thousand dollars (\$5,000),
- 2 imprisonment for a term not to exceed one (1) year, or both.



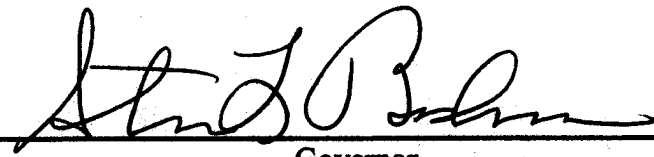
Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 3-28-12